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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/666,000

09/17/2003

Hideki Zaitu

16869G-087900US

6604

20350

7590

08/24/2006

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EXAMINER

KAPADIA, VARSHA A

ART UNIT

PAPER NUMBER

2627

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/666,000	ZAITSU, HIDEKI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Varsha A. Kapadia	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6,9 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) 4-6 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-14 is/are allowed.
- 6) ☒ Claim(s) 1-3,11 and 12 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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This office action is responsive to the amendment filed on June 7, 2006.

**Rejection Under 35 U.S.C. 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by

Nishida et al.

With regards to claims 1 and 11, Nishida et al discloses a magnetic read/write apparatus (see fig.1) comprising: a recording medium (see fig. 1 element 3 and disclosure thereof); a head for writing/reading data (See element 5 in fig. 1 and disclosure thereof); and a write inhibit slice setting device for setting write inhibit slice for each sector (position within the track) based on a recording state of each sector on the medium (see paragraphs [0012] to [0015], [0018]-[0019] and [0054]).

With regards to claim 2, Nishida et al further specify that different write inhibit slice is set for each sector (see paragraphs [0012] to [0014] and [0054]).

With regards to claims 3 and 12, Nishida et al discloses that the write inhibit slice is set based on at least one of information on a write order of the each sector, position information on neighboring sectors...(see abstract).

**Prior Art Cited**

Reference to Thelin (7,076,604) cited as of interest.

### **Allowable Subject Matter**

Claims 13-14 are allowed.

Claims 13-14 are allowable over the prior art of the record for the same reasons recited in the office action mailed on September 7, 2005.

Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants' claimed invention differs from the prior art of the record by specifically reciting in a rewriting device a capability of counting the number of write operations performed on the each sector; storing information on the number of write operation performed on the each sector; and if the number of write operations performed on a sector is larger than the predetermined value, reading data from neighboring sectors; and rewriting the sector with the read data.

### **Response to Remarks**

Applicant's arguments filed on June 7, 2006 have been fully considered but they are not persuasive. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (and as argued "Here, while Nishida et al. discloses positional error (PE) of a magnetic head, Nishida et al fails to teach or suggest other pieces of information that also comprise "recording state" of each sector on the recording medium. For example, Nishida et al does not teach or suggest the write order of each sector, information on the degree of proximity erasure by each head, and the rewrite counts of neighboring sectors. ") are not recited in the rejected claim(s). In claims 1-2 the "recording

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state” is not even defined as argued. Claims 3 and 12 define the “recording state” as *at least one of* information on a write order of the each sector, position information on neighboring sectors, etc. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant further argue that Nishida et al fails to disclose “a write inhibit slice for each sector according to a position within the track” as recited in the claim 11. Examiner disagree because as correctly noted by the applicant and as described above in this office action, Nishida et al disclose setting write inhibit for each track. Nishida et al further states in the paragraph [0054] that in the other embodiment “it is possible to change the control unit to the sector unit and execute write inhibit and address conversion in sector units”. Nishida et al also states that sector unit is within the track. Therefore, the limitation “changing write inhibit slice for each sector within the track according to a position within the track” is considered met.

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Varsha A. Kapadia whose telephone number is (571) 272-7557.

The examiner can normally be reached on Mon Tue and Thurs. from 6:30 AM to 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571 272 7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VK



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SUPERVISORY PATENT EXAMINER